

12-20-04

2856



# TRANSMITTAL FORM

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<b>TRANSMITTAL FORM</b> (To be used for all correspondence after initial filing)		Application Number	10/678,692
		Filing Date	October 3, 2003
		Confirmation Number	9961
		Inventor(s)	RICH
		Group Art Unit	2856
Express Mail Label No.: EL 997386862 US		Examiner	Frank, R.
Total Number of Pages in This Submission: 4		Attorney Docket No.	02-20

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <small>(submit in duplicate)</small> <input type="checkbox"/> Fee Attached \$ <input type="text"/> Check No.: <input type="text"/> <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits / Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Search report <input type="checkbox"/> Drawing(s): Number of Pages _____ Number of Figs. _____ and cover sheet <input type="checkbox"/> Formal <input type="checkbox"/> Informal	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Cover Sheet <input type="checkbox"/> Drawing Change Authorization Request and Amended Figure(s) <input type="checkbox"/> Request for Return of PTO-1449 Forms <input type="checkbox"/> Petition to the Commissioner <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Address <input type="checkbox"/> Terminal Disclaimer(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Certificate of Mailing by Express Mail	<input type="checkbox"/> Issue fee Transmittal Form PTOL-85(b) + (c) and Cover Sheet <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <small>(Appeal Notice, Brief, Reply Brief)</small> <input type="checkbox"/> Request for Continued Examination (RCE) <input type="checkbox"/> Status Request Letter <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund <input type="checkbox"/> Response to Missing Parts / Incomplete Application
<input type="checkbox"/> Other Enclosure(s): _____		

**Current Due Date:** January 9, 2005

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual and Company	Michael W. Haas, Reg. No. 35,174 RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA, 15668
Signature	<i>Michael W. Haas</i>
Date	December 17, 2004

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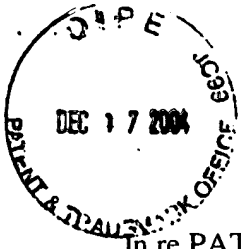
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : RICH  
Appln. No. : 10/678,692  
Conf. No.: : 9961  
Filed: : October 3, 2003  
Title: : INTEGRATED SAMPLE CELL AND FILTER AND SYSTEM  
USING SAME  
  
Group Art Unit : 2856  
Examiner : Frank, R.  
Docket No. : 02-20

\* \* \* \* \*

December 17, 2004

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Hon. Commissioner of Patents  
and Trademarks  
Alexandria, VA 22313-1504

Sir:

In response to the Notice of Non-Compliant Amendment dated December 9, 2004, applicant hereby submits that the basis for the Notice is incorrect for the reasons presented below.


The applicant filed an Amendment dated November 24, 2004 that included amendments to the specification and claims. The figures were not amended by this Amendment. Applicant also submitted formal drawings along with this amendment in place of the informal drawings originally filed with this application. The formal drawings were filed with the

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

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Michael W. Haas, Reg. No. 35,174

RICH -- Appln. No.: 10/678,692


amendment to avoid paying extra postage fees. Again, no changes were made between the informal drawings and the formal drawings.

The Patent Office apparently misinterpreted the submission of the formal drawings along with the Amendment as an attempt to amend the drawings, and because the Amendment lacked the proper technical requirements to amend the drawing considered the Amendment to be non-compliant. As noted above, this conclusion was incorrect. Because the submission of formal drawings were not an attempt to amend the drawings, the Amendment correctly did not include the technical requirements, such as replacement sheets. Thus, the November 24, 2004 was in compliance with all Patent Office requirements. Accordingly, applicant requests that the Notice of Non-Compliance be withdrawn and that the formal drawings filed on November 24, 2004 be approved.

This response is being filed within the one-month statutory response period which expires on January 9, 2005. In addition, no additional claim fees are believed to be required as a result of the above amendments to the claims. Nevertheless, the Commission is authorized to charge the any fee required under 37 C.F.R. §§ 1.16 or 1.17 to deposit account no. 50-0558.

It is respectfully submitted that the present application is in condition for allowance and a Notice to the effect is earnestly solicited.

Respectfully submitted,

By   
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